

PATENT COOPERATION TREATY

nov 2002

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION CONCERNING INFORMAL
COMMUNICATIONS WITH THE APPLICANT

(PCT Rule 66.6)

To:

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14. Sep. 2005

Dr. Gassner & Partner
Patentanwälte

Date of mailing
(day/month/year)

12.09.2005

Applicant's or agent's file reference
443294GA

REPLY DUE

within 7 day(s)
from the above date of mailing

International application No.
PCT/EP2004/004125

International filing date (day/month/year)
19.04.2004

Applicant
NOVEMBER AKTIENGESELLSCHAFT GESELLSCHAFT FÜR ...

An informal communication took place on 06.09.2005, between the International Preliminary Examining Authority and the applicant / the agent.

Invitation pursuant to Rules 66.2 c), 66.3 and 66.4 of the PCT

Further examination of the international application has revealed that the application fails to meet the requirements of the PCT and the Regulations as explained in the attached note (Form PCT/PEA/428).

The Applicant is hereby **invited**, within the time limit indicated above, **to submit a written reply** accompanied by amendments.

If no reply is submitted, the international preliminary examination report will reflect the opinion expressed by this Authority.

Name and mailing address of the international
preliminary examining authority:



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Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens
Patent Cooperation Treaty
Traité de coopération en matière de brevets

PCT

Application No.:

PCT/EP2004/004125

Note on an informal communication by telephone with the Applicant

Transmittal of a copy of this note with a time limit of 7 day(s)

Participants

Applicant: November AG

Representative: Gassner

Examiner(s): Hocquet

Summary of the communication

The examiner restated that current claim 1 lacked novelty over D1 and lacked inventive step over the combination of D2 and WO0075623, and that a negative IPER was to be expected. The IPER will also be negative about independent method claim 34 based on the combination of D2 and WO0075623, this last document disclosing a piston chamber with an adsorbing material within the chamber (eg, figure 1, claims 2 or 8) which can be (magnetic) beads inside the chamber (claim 5 depending on 2, page 9, lines 8-10).

The examiner stated that it was not clear what amendments would lead to a positive IPER, but as the representative wanted to discuss with the applicant possible amendments to the claims, taking into account that the application is already late for the IPER, a delay of one week was agreed for sending amended claims. The IPER will be issued based on the current claims or on amended claims if they are received within this delay.



06.09.2005

.....
Date

Hocquet

.....
Authorized officer of IPEA